

## **SECTION 3: SCHEME OF DELEGATION FOR EXECUTIVE MATTERS**

### **3.1 Introduction**

Under this Constitution, some executive decisions must be agreed by the Cabinet collectively, and some by the Leader and individual Cabinet Portfolio Holders.

All other executive functions except the functions in paragraph's 3.3 to 3.9 are delegated to the officers in the senior management structure (see paragraph 3.10).

### **3.2 Current Portfolio Arrangements**

The current arrangements for the allocation of portfolio responsibilities by the Leader to Members of the Cabinet is set out at **Appendix 1** to this Section.

A summary of the current portfolios is set out below:

- Leader
- Finance & Resources
- Healthy Communities & Active Lives
- Economy, Skills & Regeneration
- Housing, Planning & Property
- Pride in Place/Neighbourhood Services Portfolio

### **3.3 Matters reserved to the Leader**

The Leader shall be responsible for the following functions:

1. To provide overall political leadership to the Council by leading on the strategic direction and key priorities.
2. To lead the Cabinet in its work to develop the Council's budget and policy framework for consideration by the Council.
3. To lead the process of developing links and partnerships both inside and outside of the Borough, with partners, stakeholders and other interested organisations.
4. To be the lead political spokesperson for the Council and represent the Council in the community and in negotiations with partners and other stakeholders.
5. To appoint a Deputy Leader from amongst the Cabinet.

6. To appoint a Cabinet of not fewer than three and not more than ten councillors (including the Leader).
7. To allocate areas of responsibility to each member of the Cabinet to be known as Portfolios.
8. To notify the Chief Executive of the allocation of portfolio responsibilities so that the information can be published as part of the Council's Constitution.
9. To chair meetings of the Cabinet and ensure the efficient despatch of business consistent with the Council's policies and strategies.
10. To decide the arrangements for the discharge of Portfolio responsibilities in the case of a Portfolio Holder vacancy or period of absence.
11. Where the Leader judges it to be the most suitable course of action, to require any decision proposed by one or more Portfolio Holder to be taken by the Cabinet.
12. To sign off the Annual Governance Statement, following consideration by the Audit and Governance Committee.

#### **3.4 Matters reserved to the Deputy Leader of the Council**

In addition to Portfolio responsibilities, to deputise in the Leader's absence.

#### **3.5 Matters reserved to the Cabinet**

The following decisions must be agreed collectively by the Cabinet:

1. Recommending to the Council the budget and policy framework (see Section 4, Para. 4.1)
2. Recommending to the Council the medium-term financial strategy
3. Recommending to the Council extra spending outside the budget
4. Approval of updates to policies and strategies that form part of the budget and policy framework that make no changes to the major provisions within the policy
5. Approval of corporate strategies, policies and organisational programmes (and updates) prepared within the overarching budget and policy framework agreed by the Council

6. Approval of any matters where it is proposed to make a significant change to any public service provided by the Council or where initial consultation with Cabinet Members indicates that referral to the Cabinet should take place.

### **Finance**

7. Approval for transfers between cost centres greater than £50,000 that are consistent with the policy framework (virements)
8. Approval for supplementary estimates greater than £50,000 that are consistent with the policy framework
9. Profiling variations (i.e. transfers of expenditure between financial years that do not increase or decrease the total sum) to the Capital Programme greater than £50,000 but not more than 10% of the total capital scheme budget
10. Single debts to be written off greater than £10,000

### **Land and Property**

11. Approval of the annual Commercial Property Strategy and amendments.
12. Approval for:
  - a) grant and renewal of occupational leases of property at open market value of more than £200,000 per annum.
  - b) grant of ground leases at an open market value of a rental greater than the value of £100,000 per annum or over a capital premium payment of £250,000.
  - c) restructure of ground leases at an open market value of a rental greater than the value of £100,000 per annum or over a capital premium payment of £250,000.
  - d) the disposal of the freehold in land at an open market value over £100,000.
  - e) the disposal of property or leases for less than market value subject to an independent valuer's report and where the undervalue does not exceed that set out in relevant legislation.
  - f) the acquisition of freeholds or assets with a consideration or premium over £500,000

- g) the acquisition of property or leases for more than 20% above the value determined by the independent valuer, and where the overvalue is more than £100,000.
- h) the acquisition of leases with a rental value over £250,000 per year
- i) Making Compulsory Purchase Orders and agreeing the statement of reasons

### **Grants and rent relief**

- 13. To agree the policy on the allocation of grants or financial relief
- 14. Agreeing applications for grants or rent or rate relief, outside of the policy agreed by the Cabinet.

### **Planning**

- 15. Adoption and revocation of Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPDs).
- 16. Designations of conservation areas.
- 17. Approval of early stage Local Plan documents at 'Issues and Options' and 'Preferred Approach' stage.
- 18. Strategy Proposals for Rushmoor Local Plan and Neighbourhood Plans.
- 19. Agreeing the approach to the Local Development Scheme and timetable for the preparation of the Local Plan.
- 20. Response to a neighbouring district's Local Plan Consultation, or those in a shared strategic market housing area, where the Portfolio Holder or Leader wishes the Cabinet to respond due to the significance of implications for Rushmoor.
- 21. Confirming, where there have been objections, Article 4 Directions which restrict the scope of permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

## **Other**

22. Receiving periodic financial, risk and performance management monitoring reports (including revenue budget and capital programme monitoring and treasury management and investment strategy updates) and agreeing appropriate action.
23. Receiving scrutiny recommendations and re-considering decisions of the Cabinet which have been referred back from the Overview and Scrutiny Committee following the call-in of a Cabinet decision.
24. To receive recommendations from the Policy and Project Advisory Board and to agree implementation as appropriate.
25. Agreeing the policy for setting fees and charges for services, and the Annual Review of Fees and Charges (to the extent that the budget has not set fees and charges).
26. Agreeing agency agreements with other local authorities for delivery of services and amendments to agreements.
27. Making a Public Spaces Protection Order.
28. Reports of urgency decisions.
29. Establishing and making appointments to Cabinet Working Groups.
30. Matters that the statutory officers of the Council place on the agenda.

### **3.6 Matters reserved to Individual Cabinet Portfolio Holders**

There is a power of delegation to Cabinet Members set out below. These delegations may be varied at any time by the Leader giving written notice to the Chief Executive. Such changes shall not take effect until the relevant officer has received the written notice.

In the absence of any Cabinet Member, the Leader or Deputy Leader may exercise the functions delegated to that Cabinet Member under this scheme of delegation.

### **3.7 Role of Individual Cabinet Portfolio Holders**

1. Portfolio Holders will provide political leadership and accountability for the services and functions within the scope of their portfolios (areas of responsibility). This will include representing the Council on certain outside

organisations and partnership bodies linked to their executive portfolio responsibilities.

2. Cabinet Members will be expected to advise on priorities and support the development of clear, affordable policies and strategies for services which are consistent with the objectives of the Council, and to take the lead at Cabinet meetings on matters related to the portfolio.
3. Portfolio Holders should have a clear understanding and knowledge of their portfolios and portfolio performance, liaising with Heads of Service and service managers. They should work with, and take account of, recommendations from the Policy and Project Advisory Board and be accountable to the Overview and Scrutiny Committee for the portfolio, attending meetings when required.

### 3.8 Delegated Responsibilities - all Cabinet Portfolio Holders

Within their respective areas of responsibility, all Cabinet Portfolio Holders are authorised to make decisions on the following matters:

#### **Consultations**

- (a) To agree responses to official consultation documents published by the Government, Local Government Association, public organisations, councils or other bodies, related to policy issues covered by the Portfolio. The **exceptions** to this are:
  - Full Council shall respond to consultation documents which raise very significant policy issues directly relating to the Council's policy framework or the whole of the Borough.
  - Heads of Service are authorised to respond to consultations concerning detailed professional or technical aspects of the Council's functions.
  - The Cabinet will agree consultation response to neighbouring Local Plan consultations where the Portfolio Holder or Leader wishes the Cabinet to respond due to the significance of implications for Rushmoor.
- (b) To approve the undertaking of public consultation into possible policy developments or options for action

#### **Policies and Service Plans**

- (c) To approve annual reports of services, or service plans where requested by a member of the Corporate Management Team.

- (d) To agree minor updates to existing corporate strategies or corporate policies, which were originally agreed by the Cabinet

### Planning

- (e) To authorise a Head of Service to apply for planning permission (approval to submit a planning application) or advertisement consent.

**Note:** A Cabinet Member is not permitted to take part in a decision (vote) on an item at the Development Management Committee on which they have authorised the Head of Service to seek planning permission.

### Financial Matters

- (f) To agree to apply for funding (seeking financial contributions from other organisations/funding pots)
- (g) Consultee to approval of virements and supplementary estimates above £20,000 but not exceeding £50,000

## 3.9 Delegations to Specific Cabinet Portfolio Holders

This table sets out the delegations to individual Cabinet Members to undertake functions on behalf of the authority.

|     | <b>PORTFOLIO HOLDER FOR HOUSING &amp; PLANNING</b><br><b>Planning Matters</b>                                                                                                                                                      |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | To agree amendments to the Local Development Scheme (fundamental changes to be approved by Cabinet)                                                                                                                                |
| (b) | Confirming, where there have not been objections, Article 4 Directions which restrict the scope of permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 (as amended)        |
| (c) | Agreeing use of right to buy capital receipts                                                                                                                                                                                      |
|     | <b>PORTFOLIO HOLDER FOR ECONOMY, SKILLS &amp; REGENERATION</b><br><b>Property Matters</b>                                                                                                                                          |
| (d) | To authorise the disposal of small areas of amenity land deemed surplus to requirements at an open market value subject to that value not exceeding £50,000 and to no objection from ward Councillors or the Chief Finance Officer |

|     |                                                                                                                                                                               |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (e) | Granting of awards for Rent Relief within the agreed policy up to but not exceeding the maximum level permitted in the relevant policy                                        |
|     | <b>PORTFOLIO HOLDER WITH RESPONSIBILITY FOR FINANCE<br/>Business Rates Relief</b>                                                                                             |
| (f) | Granting of Discretionary Rate Relief within the agreed policy up to but not exceeding the maximum level permitted in the relevant policy                                     |
| (g) | Granting of Applications for Section 49 Remission of non-domestic rates on the grounds of hardship up to but not exceeding the maximum level permitted in the relevant policy |
|     | <b>PORTFOLIO HOLDER FOR HEALTHY COMMUNITIES &amp; ACTIVE LIVES<br/>Grants</b>                                                                                                 |
| (h) | Awarding grants from Farnborough Airport Environmental Fund and other grants from external funds up to the maximum level permitted in the relevant policy                     |
| (i) | Signing off spending from ward budgets up to but not exceeding the approved budgetary limit per ward.                                                                         |
| (j) | Awarding Grants from the Rushmoor Community Fund and other community grants made available by the Council up to the maximum level permitted in the relevant policy            |
|     | <b>PORTFOLIO HOLDER FOR PRIDE IN PLACE/NEIGHBOURHOOD<br/>SERVICES</b>                                                                                                         |
| (k) | Powers to approve the scale of taxi fares                                                                                                                                     |
| (l) | Determining taxi sharing scheme                                                                                                                                               |



### 3.10 **Delegation of Executive Functions to Officers**

All executive functions except the ones in paragraphs 3.3 to 3.9 above are delegated to officers in the Senior Leadership Team in relation to the services for which they are responsible. A structure chart setting out the service responsibilities is set out in **Appendix 2** to this Section.

Heads of Service, Executive Heads of Service, Corporate Managers, the Chief Operating Officer, Executive Director and the Chief Executive (Head of Paid Service), as set out in Appendix 2, are ‘Authorised Officers’ and can authorise officers they line manage or other officers with the relevant skills and responsibilities to undertake delegated functions. Authorised officers will remain responsible and accountable for the exercise of the delegated functions.

An Authorised Officer is responsible for a function where

- They (or an officer who reports to them) have budgetary or management responsibility for it; and
- The Constitution or the law does not require it to be carried out by someone else.

Before taking a key decision, the Authorised Officer shall first consult with the relevant Portfolio Holder.

In accordance with the Access to Information Procedure Rules (Part 4), records of certain decisions made by officers under delegated powers must be published on the Council’s website, as soon as reasonably practicable.

### 3.11 **Responsibilities not covered by these rules**

If a responsibility is not reserved to the Cabinet and no one has budgetary and management responsibility for it, the Leader will arrange for it to be carried out by the Cabinet or an officer.